ASSISTANT ATTORNEY GENERAL

CRD 9/20/77
Whiting

Department of Justice
Washington, D.C. 20530

February 25, 1974

TO: Frank Allen

FROM: Bill O'Connor

SUBJECT: James Earl Ray Case

I am attaching to this memo an envelope which I received from Bud Fensterwald on Friday, February 22. As you will see, its contents include his letter dated February 21, and the enclosures listed, including two books (by Gerold Frank and Harold Weisberg--these books may be checked out from my office if you wish to read them). I read both the Frank and Weisberg books over the weekend, and, as Fensterwald indicated, Weisberg is absolutely committed to the conspiracy concept whereas Frank is less committed to the conspiracy idea and more objective in his approach.

Weisberg is the plaintiff in a Freedom of Information Act case which is bouncing about in the Court of Appeals for the District of Columbia--you should read it carefully, if you have not done so, and ask anyone else working on this matter to read the case so as to understand Weisberg's attitude towards information.

There are some very obvious questions which need to be answered, in my view, in order to decide whether there is anything we wish to proceed with in this matter or not. Obviously, we should be able to tell from the FBI files whether or not there were empty shells or an empty shell found at the site from which the weapon was allegedly fired at Dr. King. We should also be able to determine whether or not an empty shell was found in the chamber of the weapon used, and whether any other empty shells were found near proximity.

We should be able to tell whether the FBI reports reflect spectrographic analysis of the material recovered from the slug which killed Dr. King, and whether that spectrographic analysis, if it was done, was consistent with the spectrographic analysis (if that were done) of the extra rounds of ammunition found in the blanket outside of the rooming house.

We should also be able to ascertain whether or not the FBI checked to see whether the slug which killed Dr. King was made of materials consistent with the materials used in the slugs which were affixed to the cartridge cases of the lot number from which the single round found was drawn.

Besides those obvious ballistic questions, a few more come to mind; was there a clip used to load the rifle? was the clip, if used, the cartridge cases, or the cartridges found in the blanket in front of the rooming house reflective of any fingerprints by Mr. Ray? were there checks made by the Bureau to ascertain whether in fact the shells which were found in the blanket were of the same lot and type as those allegedly sold to Ray by the gun dealer in the shop where he bought the gun?

I understand that there were photographs made almost at the instant of the shot; if this is so, have photographs been checked out to see what the angle of fire must have been. If there were no photographs, do we have a firm basis for determining which direction the shot which hit Dr. King was fired. Were there reports of shots fired from more directions than one? Were the FBI's responses to leads which were available consistent with determining whether or not a conspiracy occurred?

This is the most significant general question and will require the most work.

After the study of the file has been thoroughly pursued, I would like to meet and discuss again with you and Horn the directions which we may take. I would set a tentative time for doing that of about March 15--please let me know if that is too soon. Attached is a copy of the letter I have sent to Bud Fensterwald regarding this matter. Please let me know your views.